

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 2624.07US01

Osmo Anttalainen

Confirmation No.: 7344

Application No.: 10/509,198

Examiner: Nikita Wells

Filed: June 29, 2005

Group Art Unit: 2881

For: A CELL STRUCTURE, DEVICE AND METHOD FOR GAS ANALYSIS

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated August 1, 2007, Applicant, through Applicant's attorney, provisionally elects Group 1 consisting of claims 29-47 and 53-54. Applicant first traverses the restriction requirement because this application was filed under 35 U.S.C. § 371, not 35 U.S.C. § 111(a). Therefore, under 37 C.F.R. § 1.499, the correct criteria for restriction is unity of invention, not whether the asserted inventions defined by the pending claims are independent and distinct. To this end, Applicant's attorney submits herewith the International Preliminary Report on Patentability for International Application No. PCT/FI2003/000226, which corresponds to this application and wherein claims 1-26 were deemed to be Invention 1 and claims 27-28 were deemed to be Invention 2. Claims 1-28 directly correspond to pending claims 29-56, differing therefrom by the presence of element numbers and other formal revisions to conform to U.S. format. Applicant further traverses the restriction requirement because a

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single search should be sufficient to examine both groups of claims. Therefore an undue burden is not present.

The present amendment comprises the following sections:

- A. Amendments to the Claims; and
- B. Remarks.

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 16-0631.

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office, Fax No. 571-273-8300 on the date shown below.

31 August 2007
Date

Wm. Larry Alexander
Wm. Larry Alexander